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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,249	10/16/2001	Brian J. Brozell	17638 USA	7618
7590	12/02/2003		EXAMINER	ELOSHWAY, NIKI MARINA
Nirav D. Parikh 25-LDP Owens-Illinois, Inc. One SeaGate Toledo, OH 43666			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/982,249	BROZELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Niki M. Eloshway	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 and 42-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13, 15-26, 28, 42-48 and 50-55 is/are rejected.
- 7) Claim(s) 14, 27 and 49 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3727

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 42 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (U.S. 6,015,054). King et al. teaches a container with external threads 20, and a closure 12. The external threads of the container each have two pockets shown in figures 3-5. The closure 12 has a base wall 14, a peripheral skirt 16, and internal threads 18. The internal threads 18 have lugs extending upwardly from the center thereof. The spring element is element 46 (see col. 11 lines 1-16). The circumferentially facing stop is the element which extends downwardly from the threads 20, shown in figures 3-5.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, 9, 16-19, 21 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of DT 2,626,875. King et al. discloses the claimed invention except for the threads being continuous and extending for at least 450 degrees. DT 2,626,875 teaches that it is known to provide a container assembly with either continuous or discontinuous threads with pockets and lugs

Art Unit: 3727

(see the discontinuous threads in figures 1-4 and the continuous threads in figures 5-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container assembly of King et al. with continuous threads that extend at least 450 degrees, as taught by DT 2,626,875, in order to better guide threads into the appropriate positions and in order to prevent quick removal of the closure.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of King (U.S. 4,084,717) and Ladina et al. (U.S. 5,462,186). King et al. discloses the claimed invention except for the stop being at the upper end of the internal thread and except for thread extending at least 180 degrees. King teaches that it is known to provide a container assembly with a stop at the upper end of the internal thread (see elements 22 and 22a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container assembly of King et al. with the stop being at the upper end instead of the lower end, as taught by King, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Ladina et al. teaches that it is known to provide a container assembly with threads that extend at least 180 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with the threads extending at least 180 degrees, as taught by Ladina et al., in order to prevent quick removal of the closure.

6. Claims 7 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of King (U.S. 4,084,717). King et al. discloses the claimed invention except for the stop being at the upper end of the internal thread. King teaches that it is known to provide a container assembly with a stop at the upper end of the internal thread (see elements 22 and 22a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container

Art Unit: 3727

assembly of King et al. with the stop being at the upper end instead of the lower end, as taught by King, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

7. Claims 10-13, 23-26, 28 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of DT 2,626,875, as applied to claim 8 and 16 above, and further in view of Davis (U.S. 4,567,992). The modified assembly of King et al. discloses the claimed invention except for the spring being of integrally molded plastic construction. Davis teaches that it is known to provide a container assembly with a spring which is integrally molded with the closure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with the spring of Davis (element 16 of Davis), in order to better urge the liner into contact with the container.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of DT 2,626,875, as applied to claim 18 above, and further in view of King (U.S. 4,084,717). The modified invention of King et al. discloses the claimed invention except for the stop being at the upper end of the internal thread. King teaches that it is known to provide a container assembly with a stop at the upper end of the internal thread (see elements 22 and 22a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with the stop being at the upper end instead of the lower end, as taught by King, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

9. Claims 22 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of DT 2,626,875, as applied to claims 18 and 50 above, and further in view of Ladina et al. (U.S. 5,462,186). The modified invention of King et al. discloses the claimed invention except for the second internal and external threads. Ladina et al. teaches that it is known to provide a container assembly

Art Unit: 3727

with dual internal and external threads (see element figures 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with the second internal and external threads, as taught by Ladina et al., in order to allow the user to fully close and securely fasten the closure with less rotation of the closure with respect to the container.

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Davis (U.S. 4,567,992). The assembly of King et al. discloses the claimed invention except for the spring construction. Davis teaches that it is known to provide a container assembly with a spring which extends from the closure base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container assembly of King et al. with the spring being replaced by the spring of Davis (element 16 of Davis), in order to better urge the liner into engagement with the container.

11. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Davis (U.S. 4,567,992), as applied to claim 43 above, and further in view of DT 2,626,875. The modified assembly of King et al. discloses the claimed invention except for the threads being continuous and extending for at least 450 degrees. DT 2,626,875 teaches that it is known to provide a container assembly with either continuous or discontinuous threads with pockets and lugs (see the discontinuous threads in figures 1-4 and the continuous threads in figures 5-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with continuous threads that extend at least 450 degrees, as taught by DT 2,626,875, in order to better guide threads into the appropriate positions and in order to prevent quick removal of the closure.

12. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Davis (U.S. 4,567,992), as applied to claim 43 above, and further in view of Ladina et al. (U.S.

Art Unit: 3727

5,462,186). The modified invention of King et al. discloses the claimed invention except for the threads extending at least 190 degrees. Ladina et al. teaches that it is known to provide a container assembly with threads that extend at least 190 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container assembly of King et al. with the threads extending at least 190 degrees, as taught by Ladina et al., in order to prevent quick removal of the closure.

*Allowable Subject Matter*

13. Claims 14, 27 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

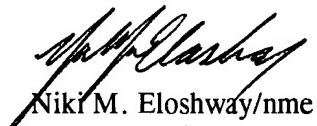
*Conclusion*

15. **In view of the new grounds of rejection, THIS ACTION IS MADE NON-FINAL.**

16. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Art Unit: 3727

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme  
Patent Examiner  
November 28, 2003